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Unwanted Witness welcomes the Constitutional Court Judgment nullifying the Computer Misuse (Amendment) Act, 2022

Kampala- 17 March, 2026; Unwanted Witness Uganda welcomes the decision of the Constitutional Court [nullifying](#) the Computer Misuse (Amendment) Act, 2022, following consolidated *Constitutional Petitions No. 34, 37 & 42 of 2022*, which challenged the constitutionality of several provisions, including sections.11, 23, 26,28 and 29 that were introduced in the Act. The petitions were brought by a coalition of civil society organizations, journalists, lawyers, and digital rights advocates, including Unwanted Witness Uganda, who noted that the amendments posed significant risks to freedom of expression, digital rights, and constitutional governance in Uganda.

The Constitutional Court examined whether the amendments, which introduced new offences regulating online communication and social media activity, complied with the Constitution of the Republic of Uganda and with the required legislative procedures. The petitioners had argued that several provisions were overly broad, vague, and capable of criminalizing legitimate speech and professional activities, including journalism, civic engagement, and digital communication.

In its judgment, the court held that Parliament did not comply with the constitutional and procedural requirements governing legislative quorum during the passage of the Computer Misuse (Amendment) Bill, 2022. Specifically, the Court found that the Speaker of Parliament did not properly ascertain the presence of the required quorum at the time of voting, as required under the Rules of Procedure of Parliament and Articles 88 and 89 of the Constitution. As a result, the Court ruled that the [Computer Misuse \(Amendment\) Act, 2022](#) was enacted in violation of constitutional procedures and is therefore **null and void**.

Consequently, the Court declared that the provisions introduced through the amendment including those criminalizing forms of online communication such as "malicious information," unsolicited communication, and certain forms of social media use cannot be enforced because they were enacted without following the law.



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The Court further issued a *permanent injunction restraining government authorities from enforcing the impugned provisions* of the Computer Misuse Act that were challenged in the petitions.

For Unwanted Witness, this case was fundamentally about protecting constitutional freedoms in Uganda's rapidly evolving digital environment. Over the past decade, the internet has become a central space for civic participation, journalism, political discourse, and access to information. Laws governing digital spaces must therefore be carefully designed to respect constitutional guarantees, including the right to freedom of expression, access to information, and participation in democratic processes.

The challenged amendments raised serious concerns for digital rights defenders. Among other issues, they introduced broad offences that risked criminalizing online commentary, political criticism, and everyday digital communication. Civil society organizations, journalists, and technology experts feared that such provisions could create legal uncertainty, encourage selective enforcement, and chill legitimate public discourse online.

By bringing this case before the Constitutional Court, Unwanted Witness and its co-petitioners sought to ensure that Uganda's digital governance framework remains consistent with constitutional principles, the rule of law, and international human rights standards.

While we respect the Constitutional Court's role in interpreting the Constitution, the judgment also highlights the broader importance of **procedural integrity in lawmaking**. Democratic legitimacy requires that legislation particularly laws regulating speech and digital communication, be enacted through processes that strictly comply with constitutional requirements.

The judgment also carries broader implications for Uganda's digital civic space. For journalists, human rights defenders, activists, and entire internet community, it underscores the importance of ensuring that laws governing online expression are precise, proportionate, and consistent with constitutional protections.

At the same time, the decision provides an opportunity for constructive reform. As Uganda continues to digitize governance, electoral processes, and public communication, it is essential that legal frameworks regulating cyberspace are developed through inclusive consultation and grounded in clear constitutional safeguards.



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Unwanted Witness will carefully study the full judgment and engage with relevant stakeholders including Parliament, regulators, and civil society partners to assess the next steps for strengthening Uganda's digital rights framework. This includes advocating for legislative reforms that address legitimate cybersecurity concerns while safeguarding freedom of expression, privacy, and access to information.

We thus call upon policymakers to adopt a human centric legislative approach, ensuring future cyber law reforms are transparent and inclusive, with the voices of civil society, journalists, technology experts, and the public.

Unwanted Witness commends all petitioners, the legal team and judges for this win. We remain committed to defending digital rights, freedom of expression, and access to information in Uganda's evolving digital landscape.

End

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